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Growth & Environmental
Management

ORDINANCE NO. 96-07

1 AN ORDINANCE OF THE BOARD OF COUNTY
2 COMMISSIONERS OF LEON COUNTY, FLORIDA,
3 AMENDING CHAPTER 14 OF THE CODE OF LAWS OF
4 LEON COUNTY, FLORIDA, RELATING TO PUBLIC
5 NUISANCES; PROVIDING FOR A DESCRIPTION OF A
6 PUBLIC NUISANCE; PROVIDING FOR A DEFINITION
7 OF "DILAPIDATED STRUCTURE"; PROVIDING THAT
8 LANDS SHALL BE KEPT FREE OF DILAPIDATED
9 STRUCTURES; PROVIDING FOR INSPECTION OF
10 PROPERTY; PROVIDING FOR ABATEMENT
11 PROCEDURES, PROVIDING FOR ENFORCEMENT AND
12 IMPOSITION OF LIENS; PROVIDING FOR AN
13 AMENDED DEFINITION OF JUNK; PROVIDING
14 JURISDICTION FOR CODE ENFORCEMENT BOARD;
15 REPEALING SECTIONS REFERENCING BOARD OF
16 ADJUSTMENT AND APPEALS' JURISDICTION TO HEAR
17 APPEALS REGARDING MINIMUM HOUSING CODE;
18 PROVIDING FOR CONFLICTS; PROVIDING FOR
19 SEVERABILITY; AND PROVIDING FOR EFFECTIVE
20 DATE.
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25 WHEREAS, the Board of County Commissioners is concerned with the potential
26 harmful affects of abandoned and neglected property which constitutes a public nuisance on the
27 health, safety and welfare of the residents of Leon County; and,

28 WHEREAS, there is an interest in protecting the value of property in Leon County;
29 and,

30 WHEREAS, the Board of County Commissioners has indicated an intent to enact an
31 ordinance providing for abatement of public nuisances; and,

32 WHEREAS, there is sufficient information available at this time to enact such an
33 ordinance;

1 NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
2 COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

3 **Section 1. Public Nuisances and Abatement.** The Code of Laws of Leon County,
4 Florida, is hereby amended by adding an Article I to Chapter 14 which article shall read as
5 follows:

6 Article I. Public Nuisances. In general.

7 **14-1. Definitions.**

8 The following words, terms and phrases, when used in this article, shall have the
9 meanings ascribed to them in this section, except where the context clearly indicates a different
10 meaning:

11 *Building* shall mean any structure, either temporary or permanent, built for the support,
12 shelter, or enclosure of persons, chattels, or property of any kind. "Building" shall include
13 tents, trailers, or mobile homes serving in any way the function of a building.

14 *Code Inspector* shall mean the Director of the Department of Growth and
15 Environmental Management of the county and his or her designees.

16 *Dilapidated Structure* shall mean any building which as a result of a failure to make
17 necessary repairs, exhibits defective structural elements, whether or not such structural defects
18 are manmade, or which has otherwise been allowed to deteriorate, decay, or fall into or
19 remain in partial or total ruin such that said building may threaten the public health, safety, or
20 welfare, or adversely affect and impair the economic welfare of other property.

21 *Occupant* shall mean any person holding a written or oral lease of, or occupying the
22 whole or part of, the premises.

1 *Owner* shall mean any person who, alone or jointly or severally with another has legal
2 title to any premises, with or without accompanying actual possession thereof.

3 *Premises* shall mean a lot, plot, tract, parcel of land, or other real estate including the
4 buildings and structures thereon.

5 14-2. Existence of dilapidated structures upon lands prohibited.

6 (a) The existence of dilapidated structures, including real property, personal
7 property or fixtures, on any lot, tract, parcel of land, or other real property in the county,
8 whether improved or unimproved, which has caused the property to become a threat to, or
9 which may reasonably cause the property to threaten, the public health, safety, or welfare, or
10 adversely affects and impairs the economic welfare of other property, constitutes a public
11 nuisance and is prohibited, and every owner of real property in the county has a duty to keep
12 his or her property free of any nuisance at his or her expense.

13 14-3. Inspection of Lands to Determine Violation.

14 The code inspector shall, as often as may be necessary, inspect land within the county
15 to determine if a violation of this chapter exists.

16 14-4. Enforcement, Notice and Hearing.

17 If a code inspector shall determine that a public nuisance exists in accordance with the
18 standards set forth in these sections on any lot, tract, parcel, or other real property within the
19 county, whether improved or unimproved, the inspector shall:

20 (a) Cause a notice to be issued to the owner of the premises. The notice shall
21 describe the nature and location of the alleged noncompliance, specify what remedial steps are
22 necessary to bring the premises into compliance with this article, and identify the date by

1 which the violation must be remedied. The owner shall immediately commence the
2 recommended remedial action and shall complete the remedial actions within the time specified
3 in the notice.

4 (b) If the property owner fails to complete the recommended remedial action
5 within the time allowed after notice, a code inspector may initiate enforcement proceedings
6 before the code enforcement board and obtain an order requiring compliance with this article,
7 and/or may initiate proceedings in the circuit court as provided by general law.

8 (c) If an owner fails to comply with an order of the code enforcement board
9 requiring compliance with this article, the code inspector may, in addition to any further action
10 taken by the code enforcement board as to the noncompliance, cause the nuisance to be abated
11 as provided herein.

12 The provisions of this article are in addition to provisions and requirements set forth in
13 other chapters or portions of this Code, and by state law.

14 14-5. Abatement by the County.

15 If after a hearing, as provided for in Chapter 6, the code enforcement board determines
16 that the conditions which exist on the property constitute a public nuisance, the owner of the
17 property shall have a reasonable time, as determined by the code enforcement board, to
18 remove or correct the conditions, after which time the county, through the county
19 administration or agents or contractors hired by the county administration, shall have the right
20 to have the conditions abated at the expense of the property owner. Upon having the nuisance
21 abated, the county shall mail, by certified mail, return receipt requested, to the owner a notice
22 of the cost of abating the conditions. If payment is not received within fifteen (15) days after

1 the mailing of the notice of assessment for the work together with all costs of inspection and
2 administration, the county may file a lien against the property for the actual cost of the work,
3 inspection and administration costs, interest, plus reasonable attorney's fee, and other costs of
4 collecting the sums. Nothing herein shall be construed to prevent the county from exercising
5 its discretion to increase or decrease charges based on costs or bid considerations or utilizing
6 means other than that contemplated in the notice provided for in this section to abate the
7 condition violative of this article.

8 14-6. Abatement Bid Procedure

9 The county shall obtain competitive bids pursuant to the county's normal bidding,
10 purchasing and contracting requirements for services entailed in carrying out the abatement of
11 nuisances under this article. The successful bidder shall be required to provide insurance and
12 bonding as the county deems advisable.

13 Section 2. Chapter 14, Public Nuisances. Article II. Junk, Section 14-26. Definitions of
14 "code inspector" and "junk" shall be amended as follows:

15 14-26. Definitions.

16 Code Inspector shall mean the Director of the Department of Growth and
17 Environmental Management of the county and his or her designees. ~~chief building official of~~
18 ~~the county and his designees.~~

19 *Junk* shall mean any garbage, rubbish or litter, any junked or abandoned motor vehicle
20 or parts thereof, any dilapidated structure (as defined in Article I of this chapter), and any real
21 property, fixture, personal property or other article having only nominal salvage value, which
22 has been left unprotected from the elements. It shall not include reasonable natural debris

1 accumulations in wooded area or on lawns, such as shrubbery and lawn clippings, leaves and
2 compost piles for normal, personal, noncommercial use.

3 **Section 3.** Section 6-31 of the Code of Laws of Leon County, Florida is hereby amended
4 to read as follows:

5 The code enforcement board shall have the purpose of conducting hearings relating to the
6 enforcement of the following provisions as now or hereafter amended:

7 (1) Chapter 10, article VII, ~~divisions 1, 2, 3, 4, 5, 6, 7, and 8;~~

8 (2) Chapter 10, article X;

9 (3) Chapter 10, article XII;

10 (4) Chapter 14, articles I and II; and

11 (5) Chapter 5, article II and article III.

12 **Section 4.** Section 5-311, of the Code of Laws of Leon County, Florida, entitled "Board
13 of adjustments and appeals," is hereby repealed.

14 **Section 5.** Section 5-312, of the Code of Laws of Leon County, Florida, entitled
15 "Appeals," is hereby repealed.

16 **Section 6.** Conflicts.

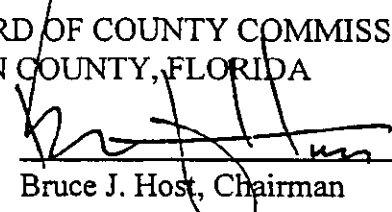
17 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are
18 hereby repealed to the extent of such conflict, except to the extent of any conflicts with the
19 Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail
20 over any parts of this ordinance which are inconsistent, either in whole or in part, with the said
21 Comprehensive Plan.

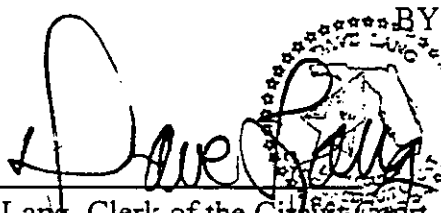
22 **Section 7.** Severability.

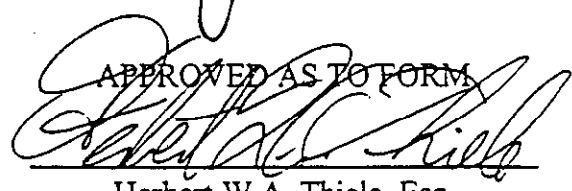
1 If any word, phrase, clause, section or portion of this ordinance shall be held invalid or
2 unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a
3 separate and independent provision and such holding shall not affect the validity of the remaining
4 portions thereof.

5 **Section 8. Effective Date.**

6 This ordinance shall have effect upon becoming law.

7 BOARD OF COUNTY COMMISSIONERS
8 LEON COUNTY, FLORIDA
9
10 BY: 
11 Bruce J. Host, Chairman

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14 ATTEST: 
15 Dave Lang, Clerk of the Circuit Court

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18 APPROVED AS TO FORM
19 
20 Herbert W.A. Thiele, Esq.
21 County Attorney
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